

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Wednesday, October 9, 2002
9:00 a.m.*

<p>Rancho California Water District District Board Room 42135 Winchester Road Temecula, California</p>

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, September 25, 2002, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, October 2, 2002 will not be provided to the Regional Board members and will not be considered by the Regional Board. *PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.*

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: rbagenda@rb9.swrcb.ca.gov.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, September 25, 2002.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting of September 11, 2002.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Calendar: Items 5 through 7 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

5. Administrative Assessment of Civil Liability containing a Mandatory Minimum Penalty against Manchester Resorts (San Diego Hyatt Hotel Expansion) for violation of Order No. 2000-90, NPDES Permit No. CAG919001, for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2002-0293) (*Sherrie Komeylyan*)
6. Administrative Assessment of Civil Liability containing a Mandatory Minimum Penalty against The City of Coronado (Glorietta Bay Pump Station Construction Dewatering) for violation of Order No. 2000-90, NPDES Permit No. CAG919001, for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2002-0310) (*Sherrie Komeylyan*)
7. Administrative Assessment of Civil Liability against Paolone Brothers Investments for failure to pay annual storm water fees. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2002-0314) (*Vicente Rodriguez*)

Remainder of the Agenda (Non-Consent Items):

8. NPDES Permit Reissuance: Rancho California Water District, Santa Rosa Reclamation Facility Discharge to the Santa Margarita River, Riverside County (tentative Order No. R9-2002-0104, NPDES No. CA0108821) (*Chiara Clemente*)
9. **PUBLIC HEARING:** Cease and Desist Order for Rancho California Water District, Santa Rosa Reclamation Facility Discharge to the Santa Margarita River, to Establish Interim Effluent

Limitations and Time Schedule to Comply with NPDES Permit, Order No. R9-2002-0104 (tentative Order No. R9-2002-0212) (*Chiara Clemente*)

10. Status Report: Santa Margarita River Watershed - Report on Regional Board Activities and Program Priorities in the Watershed (*Megan Fisher*)
11. San Diego River Conservancy Representative Selection: Discussion and possible selection of the San Diego Regional Water Quality Control Board non-voting representative to the recently established San Diego River Conservancy. (*John Robertus*)
12. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61; and the related "Surfrider" case:

Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al., Case No. 99-CV-2441-BTM(JFS)

Building Industry Association of San Diego County, et al. vs. State Water Resources Control Board, et al.; San Diego County Superior Court; Case No. GIC 7890263.

Schutte and Koerting Inc. and Ametek Inc. (Ketema) (Petitioners) v. the California Regional Water Quality Control Board, San Diego Region (Respondent), Case No. GIC 772197.

San Diego BayKeeper, et al. vs. State Water Resources Control Board and California Regional Water Quality Control Board, San Diego Region, et al.; San Diego County Superior Court; Case No. GIC 796141.
13. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
14. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
15. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
16. Arrangements for Next Meeting and Adjournment
Wednesday, November 13, 2002 - 9:00 a.m.
Water Quality Control Board

Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

- A. On August 26, 2002, the Executive Officer issued Addendum No. 3 to Cleanup and Abatement Order No. 93-49. This addendum was issued to Mr. Jerry Bogaczyk, Mr. James Silver, Ms. Cheryl DeWitt, Ms. Roberta Green, and Ms. Lillie and Mr. Willis Slaughter (a.k.a. the dischargers). Addendum No. 3 adds Ms. Cheryl DeWitt and the Porter Family Trust as dischargers; replaces Directives 5b, 5c, and 6; adds a directive requiring the submittal of various progress and summary reports, adds a directive requiring laboratory data to be submitted electronically to the Geotracker data warehouse; and deletes the final cleanup date. (*Sue Pease*)
- B. 45-day Public Notice of Intent to Amend Waste Discharge Requirements: On November 13, 2002, the Regional Board will consider a tentative order (Addendum No. 1) amending Order No. 88-53, "Waste Discharge Requirements for the Mission Avenue Landfill in the City of Oceanside, San Diego County" (*Amy Fortin*)
- C. 30-day Public Notice of Settlement of Civil Liability:
 - 1. On September 11, 2002, the Regional Board received a settlement offer in the matter of Assessment for Civil Liability against Castillo & Sons-A&E Auto Recycling for failure to pay annual storm water fees. Conditions of settlement are A&E shall pay \$1,000 of outstanding annual storm water fees and a \$3,000 civil liability.
 - 2. On August 2, 2002, the Executive Officer issued Complaint No. R9-2002-0193, Administrative Assessment for Civil Liability in the amount of \$2,609.00, against Kemper Insurance Company for failure to pay storm water annual fees in violation of California Water Code section 13260. On September 6, 2002 Kemper Insurance Company waived its right to a hearing, admitted the violations, accepting the full assessment of civil liability proposed in the Complaint.
 - 3. On August 2, 2002, the Executive Officer issued Complaints No. R9-2002-0199 and No. R9-2002-0200, Administrative Assessment for Civil Liability in the total amount of \$1,337.00 on two sites (\$719 and \$618, respectively) against Richmond American Homes for failure to pay storm water annual fees in violation of California Water Code section 13260. On September 4, 2002 Richmond American Homes waived its right to a hearing, admitted the violations, accepting the full assessment of civil liability proposed in the Complaint.

The 30-day comment period for the above settlements ends on October 23, 2002. Interested Parties may comment on these settlements during the comment period. The Regional Board will consider whether to accept settlement of these matters at its November 13, 2002 public hearing. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments will be accepted in the Regional Board's office until 5:00 P.M., Wednesday, October 23, 2002. For a copy of Administrative Civil Liability Complaints listed above, or more information regarding these matters, please contact Vicente Rodriguez at (858) 627-3940 or rodrv@rb9.swrcb.ca.gov or see the Regional Board's web site.

D. Administrative Civil Liability Complaints Issued:

1. On September 18, 2002, the Executive Officer issued Amended Complaint No. R9-2002-0203, Administrative Assessment for Civil Liability in the amount of \$15,000.00, against TOSCO Marketing Company for violations of effluent limits established by Order No. 2001-0096, NPDES Permit No. CAG919002.
2. On September 18, 2002, the Executive Officer issued Complaint No. R9-2002-0296, Administrative Assessment for Civil Liability in the amount of \$3,000.00, against Rancho California Water District for violations of effluent limits established by Order No. 2001-0096, NPDES Permit No. CAG919002.

The Regional Board will consider these matters at its regularly scheduled meeting on November 13, 2002. If either of the dischargers elect to waive their right to hearing, the item(s) will be removed from the agenda to allow for a 30-day public review period.

Interested Parties may comment on these complaints during the comment period. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments will be accepted in the Regional Board's office until 5:00 P.M, Wednesday, October 23, 2002. For a copy of these Complaints or more information regarding this matter please contact Sherrie Komeylyan at (858) 467-2734 or via e-mail at komec@rb9.swrcb.ca.gov or see the Regional Board's web site.

- E. If you wish to receive our meeting agenda notices directly to your e-mail account, visit our website at www.swrcb.ca.gov/rwqcb9, choose "Electronic Mailing Lists" from the home page and follow the instructions to subscribe. Select "Board Meetings" from the drop down menu. (Note: If you are already on the electronic mailing list and would like to unsubscribe, follow the instructions above.)

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>